

#14
DUECERTIFICATE OF FACSIMILE TRANSMITTAL

I hereby certify that this document is being transmitted
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Fax No. (703) 308-6916, on this 31st day
of October, 2003.

Printed Name Joyce FORD
Signed: Joyce Ford

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Warner et al.

) Examiner: Marcus Charles

)

) Art Unit: 3682

)

Serial No.: 09/752,136

)

)

Filed: December 27, 2000

)

)

For: **VARIABLE SPEED DRIVE
SYSTEM**

) Attorney Docket: 12052/04000

)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

FAX RECEIVED
OCT 31 2003
PETITIONS OFFICE

**RENEWED PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 CFR 1.81****REQUEST**

In response to a "Decision on Petition to Withdraw the Holding of Abandonment" mailed on October 17, 2003, Applicant renews Applicant's request that the abandonment in this case be withdrawn. Applicant has attached a request and the documents to support the request, the request and documents being previously filed by U.S. mail on July 10, 2003. This renewed petition also includes a statement attesting to the personal knowledge of transmitting the response on the date indicated, by the person who signed the certificate which was previously not provided. The documents include:

{JXB1644.DOC;1}

1) A copy of the page of the response mailed on December 26, 2002, showing a Certificate of Mailing executed on December 26, 2002.

2) A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated December 31, 2002.

3) A copy of the complete response previously filed.

4) A copy of the first Request for Withdrawal of Abandonment.

5) A copy of PAIR summary sheet showing entry (7/14/03) of Withdrawal Request submitted by U.S. mail.

6) A copy of the Decision on Petition to Withdraw the Holding of Abandonment.

7) A verified statement of Jacqueline K. Boziak, the individual who signed the certificate transmitting the response on the date indicated on the certificate.

STATEMENT

Based on personal knowledge the Transmittal and Amendment (copies of which are attached) were transmitted by first class mail on December 26, 2002 and retransmitted on June 30, 2003 as part of a Request for Withdrawal of Abandonment and refaxed on October 6, 2003. These mailings were timely responses to the Examiner's Office Action dated December 31, 2002 and Notice of Abandonment dated July 29, 2003. Please proceed with further examination of this application on the basis of the attached copy of the papers originally filed.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

Acknowledgement of the active status of this application is respectfully requested. It is believed that no further fee is required relating to the filing of this Response. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172.


James A. Balazs (Reg. No. 47,401)

10/31/03

Customer No. 24024

OCT. 31. 2003 10:12AM

CALFEE HALTER & GRISWOLD LLP

NO. 2579 P. 4



24024

PATENT TRADEMARK OFFICE

CERTIFICATE OF TRANSMITTAL

I hereby certify that this document is being transmitted via First Class Mail to the Commissioner of Patents, Washington, DC 20231, on this 26th day of December, 2002.

Jacqueline K. Bogart

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Warner et al.

Group Art Unit: 3682

Serial No. 09/752,136

Examiner:

Filed: December 27, 2000

Docket No. 12052/04000

Title: VARIABLE SPEED DRIVE SYSTEM

TRANSMITTAL OF RESPONSE AND AMENDMENT

FAX RECEIVED

OCT 31 2003

Commissioner of Patents
Washington, D.C. 20231

PETITIONS OFFICE

Sir/Madam:

Following documents, enclosed herewith, are submitted in response to the Office Action dated

September 25, 2002:

- (1) Response and Amendment (9 pages);
- (2) Marked Specifications and Claims (3 pages);
- (3) Drawings (2 pages);
- (4) Fee Transmittal (1 page); and
- (5) A return receipt postcard.

Additional fees are due for three new dependent claims (small entity rate) in connection with this amendment. The Examiner is authorized to charge deposit account 03-0172 for these fees. In the event that any additional extension is required, please treat this Transmittal Letter as a request for such additional extension.

Respectfully submitted,

James Balazs
James A. Balazs, Reg. No. 47,401
CALFEE, HALTER & GRISWOLD
800 Superior Avenue, Suite 1400
Cleveland, Ohio 44114-2688
(216) 622-8527

This document is being deposited with the United States Postal Service with sufficient postage via First Class Mail addressed to Assistant Commissioner of Patents, Washington, D.C. 20231, on this 26th day of December, 2002. With a certificate of mailing.

In re application of Warner et al.
 Serial No.: 09/752,136
 Filed: December 27, 2000
 CH&G Ref.: 12052/04000 (JAB:jk)

Please acknowledge receipt of the following:
 -Transmittal in duplicate (1 page)
 -Amendment (14 pages)
 -Fee Transmittal (1 page)
 -Return Receipt Postcard



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 JAN 06 2003
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4416452455
 CALFEE, HALTER & GRISWOLD LLP
 1400 McDonald Investment Center
 800 Superior Avenue
 Cleveland, Ohio 44114-2688

OCT. 31. 2003 10:12AM

CALFEE HALTER & GRISWOLD LLP

NO. 2579 P. 6



24024

PATENT TRADEMARK OFFICE

CERTIFICATE OF TRANSMITTAL

I hereby certify that this document is being transmitted via First Class Mail to the Commissioner of Patents, Washington, DC 20231, on this 26th day of December, 2002.

James A. Balazs

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of: Warner et al. : Group Art Unit: 3682
Serial No. 09/752,136 : Examiner:
Filed: December 27, 2000 : Docket No. 12052/04000

Title: VARIABLE SPEED DRIVE SYSTEM

TRANSMITTAL OF RESPONSE AND AMENDMENT

Commissioner of Patents
Washington, D.C. 20231

Sir/Madam:

Following documents, enclosed herewith, are submitted in response to the Office Action dated September 25, 2002:

- (1) Response and Amendment (9 pages);
- (2) Marked Specifications and Claims (3 pages);
- (3) Drawings (2 pages);
- (4) Fee Transmittal (1 page); and
- (5) A return receipt postcard.

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OCT 31 2003

PETITIONS OFFICE

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Respectfully submitted,

James A. Balazs
James A. Balazs, Reg. No. 47,401
CALFEE, HALTER & GRISWOLD
800 Superior Avenue, Suite 1400
Cleveland, Ohio 44114-2688
(216) 622-8527

Approved for use through 10/31/2002 OMB 0651-0032
 U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision

TOTAL AMOUNT OF PAYMENT (\$0.00)

Complete if Known

Application Number	09/752,136
Filing Date	December 27, 2000
First Named Inventor	Warner
Examiner Name	
Group Art Unit	3682
Attorney Docket No.	12052/04000

FAX RECEIVED

OCT 31 2003

PETITIONS OFFICE

METHOD OF PAYMENT

1. The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **03-0172**

Deposit Account Name **[Redacted]**

- Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17
 Applicant claims small entity status See 37 CFR 1.27

2. Payment Enclosed:

Check Credit Card Money Order Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee	Small Entity Fee	Entity Fee	Fee Description	Fee Paid
101 740	201 370	370	Utility filing fee	
106 330	206 165	165	Design filing fee	
107 510	207 255	255	Plant filing fee	
108 740	208 370	370	Reissue filing fee	
114 160	214 80	80	Provisional filing fee	
SUBTOTAL (1)				\$ 5

2. EXTRA CLAIM FEES

Total Claims	Extra Claim	Fee from below	Fee Paid
Independent Claims	-20** = 3	X9	=27.00
Multiple Dependent	- 3** =	X	=
Large Entity Fee	Small Entity Fee	Entity Fee	Fee Description
103 18	203	9	Claims in excess of 20
102 84	202	42	Independent claims in excess of 3
104 280	204	140	Multiple dependent claim, if not paid
109 84	209	42	** Reissue independent claims over original patent
110 18	210	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2)			\$27.00

** or number previously paid, if greater. For Reissue, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65	Surcharge - late filing fee or bald cover sheet	
127 50	227 25	Surcharge - late provisional filing fee or cover sheet	
139 130	139 130	Non-English specification	
147 2,520	147 2,520	For filing & request for ex parte reexamination	
112 920*	112 920*	Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*	Requesting publication of SIR after Examiner action	
115 110	215 55	Extension for reply within first month	
116 400	216 200	Extension for reply within second month	
117 920	217 460	Extension for reply within third month	
118 1,440	218 720	Extension for reply within fourth month	
128 1,960	228 980	Extension for reply within fifth month	
119 320	219 160	Notice of Appeal	
120 320	220 160	Filing a brief in support of an appeal	
121 280	221 140	Request for oral hearing	
138 1,510	138 1,510	Petition to institute a public use proceeding	
140 110	240 55	Petition to revive - unavoidable	
141 1,260	241 640	Petition to revive - unintentional	
142 1,280	242 640	Utility issue fee (or reissue)	
143 460	243 230	Design issue fee	
144 620	244 310	Plant issue fee	
122 130	122 130	Petitions to the Commissioner	
123 50	123 50	Processing fee under 37 CFR 1.17(d)	
126 180	126 180	Submission of Information Disclosure Stmt	
581 40	581 40	Recording each patent assignment per property (times number of properties)	
146 740	246 370	Filing & submission after final rejection (37 CFR § 1.12(b)(2))	
149 740	249 370	For each additional invention to be examined (37 CFR § 1.12(b)(2))	
179 740	279 370	Request for Continued Examination (RCE)	
169 900	169 900	Request for expedited examination of a design application	
Other fee (specify) _____			SUBTOTAL (3) (\$)

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

SUBMITTED BY		Complete (if applicable)		
Name (Print/Type)	James A. Balazs	Registration No. (Attorney/Agent)	47,401	Telephone (216) 622-8200
Signature	<i>James A. Balazs</i>			
Date	12/26/02			

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

OCT. 31. 2003 10:13AM

CALFEE HALTER & GRISWOLD LLP

NO. 2579 P. 8



24024

PATENT TRADEMARK OFFICE

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this 26th day of December, 2002.

Typed or Printed name of person signing this certificate:

JACQUELINE K. BOZIAT

Signature Jacqueline K. Bozat

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Warner et al.

) Examiner: Marcus Charles

)

) Art Unit: 3682

)

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) Attorney Docket: 12052/04000

)

Serial No.: 09/752,136

Filed: December 27, 2000

For: VARIABLE SPEED DRIVE
SYSTEM

Assistant Commissioner for Patents
Washington, D.C. 20231

FAX RECEIVED

OCT 31 2003

AMENDMENT

PETITIONS OFFICE

Mr. Charles:

In response to the Office Action dated September 25, 2002 for the above-identified patent application, reconsideration of this application is respectfully requested.

In the Specification:

Please amend the "Brief Description of the Figures" on pages 3-5 as follows:

FIG. 1 is a schematic view of the variable speed drive system showing sectional views of the controllable and auto-tensioning pulleys;

FIG. 2 is a schematic view of the controllable and auto-tensioning pulleys and various accessories;

FIG. 3 is a sectional view of an embodiment of the invention using a counterweight system;

FIG. 4 is a sectional view of an embodiment of the invention using a non-rotating chamber system;

FIG. 5 is a sectional view of an embodiment of the invention using a second embodiment of the non-rotating chamber system;

FIG. 6 is a sectional view of an embodiment of the invention using a non-rotating chamber located adjacent to the mounting point of the controllable pulley;

FIG. 7A is a sectional view of an embodiment of the invention using a hydraulic or pneumatic cylinder to move a contact flange;

FIG. 7B is a sectional view of a second embodiment of the invention using a hydraulic or pneumatic cylinder to move a contact flange;

FIG. 7C is a sectional view of a third embodiment of the invention using a hydraulic or pneumatic cylinder to move a contact flange;

FIG. 8 is a sectional view of an embodiment of the invention using an electro-mechanical linear actuation device to move a contact flange;

FIG. 9 is a sectional view of an embodiment of the invention using a thermally responsive material to move a contact flange;

FIG. 10 is a sectional view of an embodiment of the invention using a magnetic actuation device to move a contact flange;

FIG. 11 is a sectional view of an embodiment of the invention using a pulley with two movable contact flanges;

FIG. 12 is a sectional view of an embodiment of the invention using a pulley with two hydraulically movable contact flanges;

FIG. 13 is a sectional view of an embodiment of the invention using two controllable pulleys;

FIG. 14 is a sectional view of an embodiment of the invention using a spring venting system;

FIG. 15 is a schematic view of an the variable speed drive system showing sectional views of an embodiment of the controllable and auto-tensioning pulleys;

FIG. 16 is a perspective view of a vehicle into which the variable speed drive system may be installed; and

FIG. 17 is a schematic view including an engine and pulleys of the variable speed drive system.

In the Drawings:

Please add new informal figures 16 and 17 as attached.

In the Claims:

Please amend claims 1, 14 and 17 as follows:

1. A variable speed drive system for driving accessories comprising:

a rotational member;

a controllable pulley in rotational communication with said rotational member, said controllable pulley including a first movable flange and a corresponding adjustable pitch radius; an auto-tensioning pulley driven by said controllable pulley via a first belt, said auto-tensioning pulley including a first movable flange and spring for maintaining tension in said first belt and said auto tensioning pulley having an operating speed which is infinitely variable between a minimum pitch ratio and a maximum pitch ratio;

an actuating system for moving said first movable flange of said controllable pulley; and one or more accessories which are driven by said auto-tensioning pulley via a second belt.

14. A variable speed drive system for driving engine accessories comprising:

an engine;

a first controllable pulley in rotational communication with said engine, said first controllable pulley including a first movable flange and a corresponding adjustable pitch radius;

a second controllable pulley driven by said first controllable pulley via a first belt, said second controllable pulley having a second movable flange, and an operating speed which is infinitely variable between a minimum pitch ratio and a maximum pitch ratio;

a first electro-mechanical actuating system for moving said first movable flange;

a second electro-mechanical actuating system for moving a second movable flange; and

a belt driving sheave attached to said second controllable pulley which drives one or more accessories via a second belt

17. A variable speed drive system for driving accessories comprising:
- a rotational member;
 - an auto-tensioning pulley in rotational communication with said rotational member, said auto-tensioning pulley for maintaining tension in a first belt;
 - a controllable pulley driven by said auto-tensioning pulley via said first belt, said controllable pulley including a first movable flange and a corresponding adjustable pitch radius, and said controllable pulley having an operating speed which is infinitely variable between a minimum pitch ratio and a maximum pitch ratio;
 - an actuating system for moving said first movable flange;
 - a control logic module for receiving data from one or more sensing devices and for signaling the actuating system; and
 - one or more accessories which are driven by said controllable pulley via a second belt.

Please add the following new claims:

33. The variable speed drive system of claim 5 wherein one of the driven accessories is a vehicle power steering pump which is also said hydraulic pump located remotely from said controllable pulley.
34. The variable speed drive system of claim 10 further comprising a control logic module for receiving data from one or more sensing devices and for signaling the actuating system, said control logic module being the vehicle's on-board electronic engine control module.
35. The variable speed drive system of claim 6 wherein said sensing devices measure the speed of the driven accessories.

REMARKS

This Amendment is responsive to the Office Action of September 25, 2002. The Examiners determination of allowability of claims 11 and 12 if rewritten in independent form is acknowledged and appreciated. Reconsideration of the rejections of Claims 1-10 and 13-17 is respectfully requested. Additionally, consideration of Claims 31 and 32, submitted by

Preliminary Amendment on July 19, 2002, is requested. By this Amendment Claims 1, 14, 17 have been amended. New Claims 33-35 have been added. New Claims 33-35 do not add new matter. Allowance of the claims of this application is requested.

Consideration of Claims Previously Submitted by Preliminary Amendment

Applicant submitted new claims 31 and 32 by Preliminary Amendment on July 19, 2002. Applicant included a check in the amount of \$36.00 for these additional claims. Claims 31 and 32 were not considered as part of the Office Action of September 25, 2002. Applicant respectfully requests consideration of these claims. Claims 31 and 32 are reproduced below for the Examiner's convenience:

31. The variable speed drive system of claim 1 wherein said actuating system comprises an electromechanical linear actuation device.
32. The variable speed drive system of claim 3 further comprising a non-rotating chamber system.

Drawing Addition

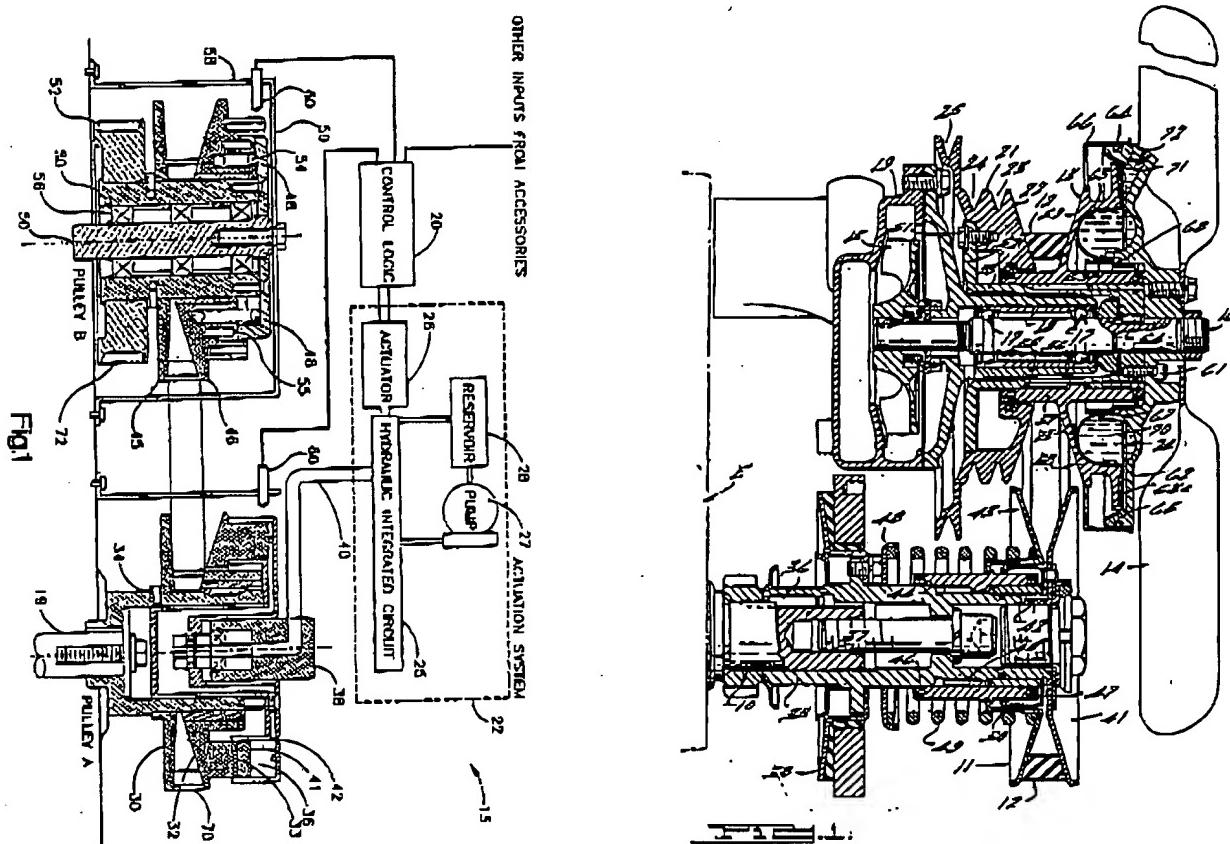
Attached are proposed new drawings, Figures 16 and 17. Figures 16 and 17 include claimed features of the invention including "the vehicle" and "the engine" as claimed in Claims 9, 10 and 13. The proposed new drawings add no new matter.

The §102 Rejections

Reconsideration of the rejection of independent claim 1 as being anticipated under 35 U.S.C. §102 over U.S. Patent 2,909,071 to Smyth et al. [hereinafter Smyth] is respectfully requested.

The Examiner has rejected Claim 1 stating that Smyth discloses all elements of the claim. Applicant respectfully disagrees. Smyth does not disclose every element of claim 1 as amended. Smyth does not disclose an auto-tensioning pulley which drives one or more accessories. Applicant's system and the system of Smyth are reproduced below. Applicant has amended Claim 1 to describe Applicant's auto-tensioning pulley in more detail. The auto-tensioning pulley (labeled Pulley B) of Claim 1 includes a movable flange 46 and spring 54 for maintaining

tension in a first belt 70 which drives the auto-tensioning pulley. Applicant's auto-tensioning pulley is used to drive accessories. Accessories in the Smyth patent are driven by pulley 13. Pulley 13 is not an auto-tensioning pulley. Pulley 13 does not include a movable flange and spring for maintaining tension in a belt. Pulley 13 only discloses hydraulic means for moving a flange in pulley 13. Thus, the driving of accessories by an auto-tensioning pulley of Applicant's Claim 1 is not disclosed in Smyth. Reconsideration of Claim 1 is requested.



Reconsideration of the rejection of Claims 2 is respectfully requested. Claim 2 depends directly from Claim 1 which is believed allowable for the reasons set forth above.

Reconsideration of the rejection of dependent Claim 7 over Smyth '071 is respectfully requested. Claim 7 includes a controllable pulley with first and second movable flanges. The system of Smyth includes two pulleys, however each only includes one movable flange. Pulley

11 includes movable flange 43 and pulley 13 includes movable flange 58. However, neither pulley includes first and second movable flanges. Reconsideration is requested.

Reconsideration of the rejection of dependent Claims 9, 10 and 13 is respectfully requested. Claims 9, 10 and 13 depend directly from Claim 1 which is believed allowable for the reasons set forth above.

Reconsideration of the rejection of independent claim 14 as being anticipated under 35 U.S.C. §102 over Smyth '701 is respectfully requested. Claim 14, as amended, includes a system with first and second controllable pulleys and first and second electromechanical actuating systems for moving movable flanges on the pulleys. Smyth does not disclose a system with two controllable pulleys with electro mechanical actuating systems. Reconsideration is requested.

Reconsideration of the rejection of dependent Claim 15 over Smyth is respectfully requested. Claim 15 includes at least one controllable pulley with first and second movable flanges. As previously stated, the system of Smyth includes two pulleys, however each only includes one movable flange. Reconsideration is requested.

Claim 17 has been amended to include the limitation described in Claim 4. This limitation incorporated in Claim 17 is not disclosed by the prior art for the same reasons, stated below, why the limitation of Claim 4 is not disclosed.

The §103 Rejections

Reconsideration of the rejection of Claims 3 and 5 as obvious under 35 U.S.C. §103(a) over Smyth '071 in further view of U.S. Patent 5,971,876 to Spiess et al. [hereinafter Spiess] is respectfully requested. Claims 3 and 5, claim a variable speed drive system for driving accessories with an actuating system comprising hydraulic components. The Examiner states that it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the hydraulic components Spiess within the system of Smyth. Applicant respectfully disagrees.

First, an application using hydraulic controls for only a single pulley in a dual pulley variable speed transmission is not taught by Spiess. Spiess teaches a circuit of pumped hydraulic fluid for varying the clamping force ratio between two pulleys in a transmission system. The

clamping force in *both* pulleys is controlled. Adding the hydraulic circuit of Spiess where both pulleys are controlled via pressurized hydraulic fluid to Smyth would defeat the function of Smyth. The desired centrifugal forces, in the driven pulley, taught by Smyth would be overcome by the forces generated within pressurized hydraulic circuit of Spiess.

Further, there is no motivation in Smyth to utilize the teachings of Spiess. Smyth includes an efficient spring-based system, in the driving pulley, which would not be improved by Spiess' hydraulic system. Smyth states:

As the engine speed increases a speed is reached where the centrifugal force of the rotating fluid mass within the diaphragm 63 of pulley 13 overcomes the belt transmitted opposing force of the spring 49 and then the fluid mass in chamber 70 (Fig. 1) is centrifuged radially outwardly to a new position ... Spring 49 will be compressed as the fluid mass is moved radially outwardly to its chamber 70' position and at the same time the axially shiftable disc 58 will be moved to the left towards the pulley element 21. Movement of the shiftable disc 58 to the left wedges the endless belt 12 radially outwardly along the belt faces 22, 59 of pulley 13 and at the same time pulls the endless belt 12 radially inwardly along the faces 41, 43 of the pulley 11 and compresses spring 49 of pulley 11.

A hydraulic system would likely not be as simple and efficient as a spring in providing a resistance force which may be overcome, resulting in a change in position of shiftable disc and a corresponding increase of resistance force. Thus, one of ordinary skill in the art would not be motivated to replace a spring providing these functions with a hydraulic circuit in a variable speed drive system. Reconsideration is requested.

Reconsideration of the rejection of Claims 4 and 6 as obvious under 35 U.S.C. §103(a) over Smyth '071 in further view of U.S. Patent 5,366,416 to Roovers et al. [hereinafter Roovers] is respectfully requested. Claims 4 and 6 include a control logic module for receiving data from one or more sensing devices and for signaling the actuating system. The Examiner states that it would have been obvious to one having ordinary skill in the art at the time of the invention to provide the control logic of Roovers within the system of Smyth. Applicant respectfully disagrees.

First, an application using a control logic module for only a single pulley in a dual pulley variable speed transmission is not taught by Roovers. Further Smyth describes an accessory driving system that varies inversely with engine speed. Smyth achieves this by moving a pulley

flange with centrifugal force, which is solely a function of engine speed. There is no motivation within Smyth to add control logic to this system or to monitor pressure within its hydraulic chambers or other parameters. As a result, it is not obvious to combine the teachings of Roovers with Smyth. Reconsideration is requested.

Reconsideration of the rejections of Claims 16 is respectfully requested. Claim 16 depends directly or indirectly from amended Claim 14 which is believed allowable for the reasons set forth above.

Reconsideration of the rejection of Claims 8 is respectfully requested. Claim 8 depends directly or indirectly from Claim 1 which is believed allowable for the reasons set forth above.

New Claims 33-35

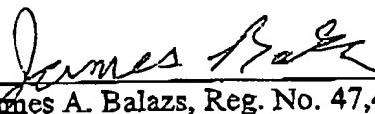
New claims 33 and 34 claim specific elements of the variable speed drive system as vehicle components. Claim 35 claims one of the functions of the claimed sensing devices. The new claims do not introduce new matter. Allowance of new claims 33-35 is requested. Additional fees are due for three new dependent claims (small entity rate) in connection with this amendment. The Examiner is authorized to charge deposit account 03-0172 for these fees.

CONCLUSION

For the reasons set forth above, Claims 1-17 and 31-35 patentably and unobviously distinguish over the references of record and are in condition for allowance. Notice to that effect is respectfully requested. No fees are believed due in connection with this amendment. However, in the event additional fees are due, the Examiner is authorized to charge deposit account 03-0172.

Respectfully Submitted,

Date: 12/26/02



James A. Balazs, Reg. No. 47,401

Marked Specification

FIG. 1 is a schematic view of the variable speed drive system showing sectional views of the controllable and auto-tensioning pulleys;

FIG. 2 is a schematic view of the controllable and auto-tensioning pulleys and various accessories;

FIG. 3 is a sectional view of an embodiment of the invention using a counterweight system;

FIG. 4 is a sectional view of an embodiment of the invention using a non-rotating chamber system;

FIG. 5 is a sectional view of an embodiment of the invention using a second embodiment of the non-rotating chamber system;

FIG. 6 is a sectional view of an embodiment of the invention using a non-rotating chamber located adjacent to the mounting point of the controllable pulley;

FIG. 7A is a sectional view of an embodiment of the invention using a hydraulic or pneumatic cylinder to move a contact flange;

FIG. 7B is a sectional view of a second embodiment of the invention using a hydraulic or pneumatic cylinder to move a contact flange;

FIG. 7C is a sectional view of a third embodiment of the invention using a hydraulic or pneumatic cylinder to move a contact flange;

FIG. 8 is a sectional view of an embodiment of the invention using an electro-mechanical linear actuation device to move a contact flange;

FIG. 9 is a sectional view of an embodiment of the invention using a thermally responsive material to move a contact flange;

FIG. 10 is a sectional view of an embodiment of the invention using a magnetic actuation device to move a contact flange;

FIG. 11 is a sectional view of an embodiment of the invention using a pulley with two movable contact flanges;

FIG. 12 is a sectional view of an embodiment of the invention using a pulley with two hydraulically movable contact flanges;

FIG. 13 is a sectional view of an embodiment of the invention using two controllable pulleys;

FIG. 14 is a sectional view of an embodiment of the invention using a spring venting system; [and]

FIG. 15 [is a] is a schematic view of an the variable speed drive system showing sectional views of an embodiment of the controllable and auto-tensioning pulleys;

FIG. 16 is a perspective view of a vehicle into which the variable speed drive system may be installed; and

FIG. 17 is a schematic view including an engine and pulleys of the variable speed drive system.

Marked Claims

1. A variable speed drive system for driving accessories comprising:

a rotational member;

a controllable pulley in rotational communication with said rotational member, said controllable pulley including a first movable flange and a corresponding adjustable pitch radius;

an auto-tensioning pulley driven by said controllable pulley via a first belt, said auto-tensioning pulley including a first movable flange and spring for maintaining tension in said first belt and said auto tensioning pulley having an operating speed which is infinitely variable between a minimum pitch ratio and a maximum pitch ratio;

an actuating system for moving said first movable flange of said controllable pulley, and one or more accessories which are driven by said auto-tensioning pulley via a second belt.

14. A variable speed drive system for driving engine accessories comprising:

an engine;

a first controllable pulley in rotational communication with said engine, said first controllable pulley including a first movable flange and a corresponding adjustable pitch radius;

a second controllable pulley driven by said first controllable pulley via a first belt, said second controllable pulley having a second movable flange, and an operating speed which is infinitely variable between a minimum pitch ratio and a maximum pitch ratio;

[an] a first electro-mechanical actuating system for moving said first movable flange; a second electro-mechanical actuating system for moving a second movable flange; and a belt driving sheave attached to said second controllable pulley which drives one or more accessories via a second belt

17. A variable speed drive system for driving accessories comprising:

a rotational member;

an auto-tensioning pulley in rotational communication with said rotational member, said auto-tensioning pulley for maintaining tension in a first belt;

a controllable pulley driven by said auto-tensioning pulley via said first belt, said controllable pulley including a first movable flange and a corresponding adjustable pitch radius, and said controllable pulley having an operating speed which is infinitely variable between a minimum pitch ratio and a maximum pitch ratio;

an actuating system for moving said first movable flange;

a control logic module for receiving data from one or more sensing devices and for signaling the actuating system; and

one or more accessories which are driven by said controllable pulley via a second belt.

OCT. 31. 2003 10:14AM

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NO. 2579 P. 20

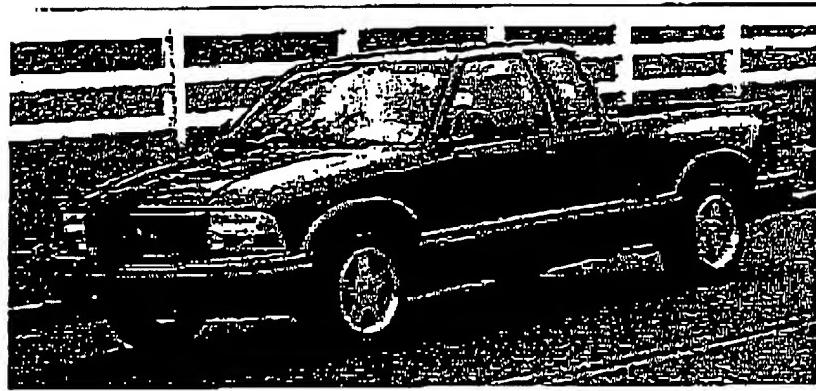


FIGURE 16

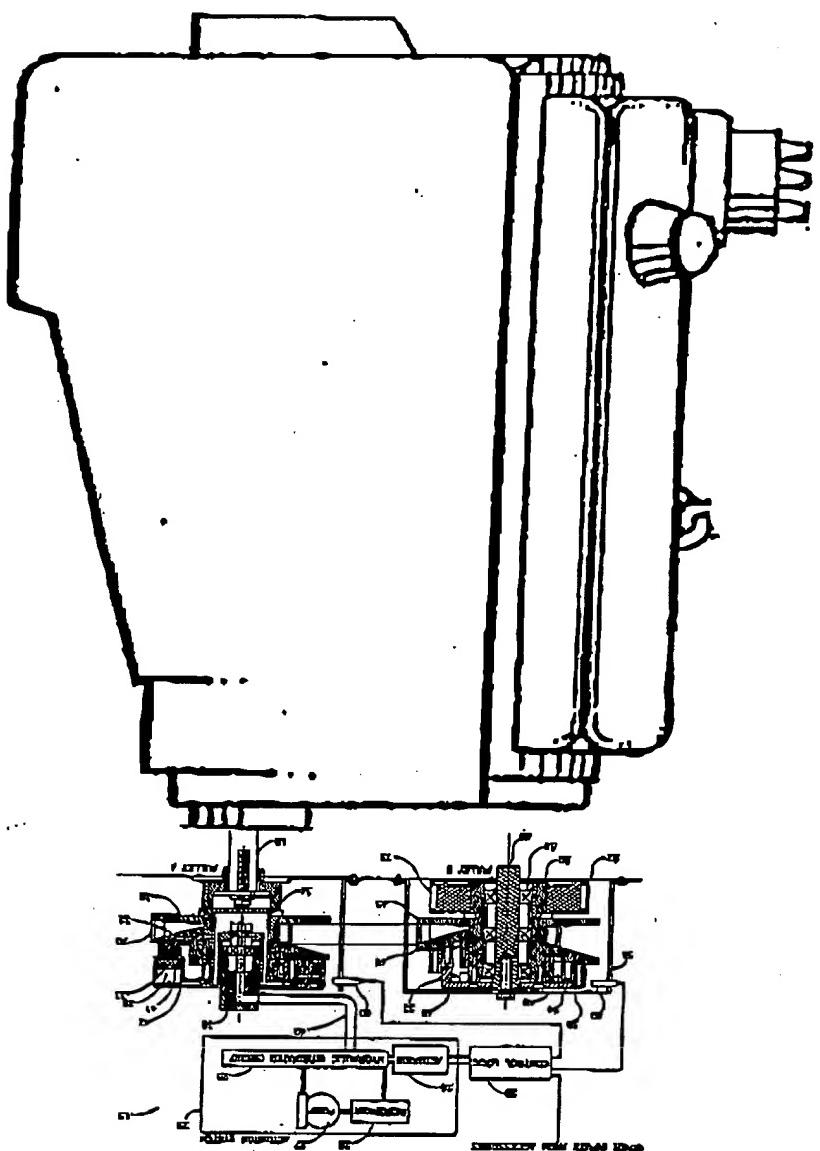


Figure 17

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the U.S. Postal Service, with sufficient postage, as first class mail in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231, on this 10th day of July, 2002.

Typed or Printed name of person signing this certificate:

Joyce Ford

Signature Joyce Ford

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Warner et al.

) Examiner: Marcus Charles

)

) Art Unit: 3682

)

)

)

)

) Attorney Docket: 12052/04000

FAX RECEIVED

OCT 31 2003

Serial No.: 09/752,136

Filed: December 27, 2000

For: VARIABLE SPEED DRIVE
SYSTEM

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITIONS OFFICE

INFORMATION FOR WITHDRAWAL OF ABANDONMENT - PTO HAS NO
EVIDENCE THAT MAILED CORRESPONDENCE RECEIVED

REQUEST

Applicant requests that the abandonment in this case be withdrawn.

PROMPTNESS OF THIS SUBMISSION

This information is being submitted promptly after applicant has learned of the abandonment on the basis of: the Notice of Abandonment mailed by the PTO on June 30, 2003.

SUBMISSION

Submitted herewith is:

1) A copy of the page of the response mailed on December 26, 2002, showing a Certificate of Mailing executed on December 26, 2002.

2) A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated December 31, 2002.

3) A copy of the complete response previously filed.

STATEMENT

Based on personal knowledge the Transmittal and Amendment (copies of which are attached) were transmitted by first class mail on December 26, 2002. This mailing was a timely response to the Examiner's Office Action dated September 25, 2002. Please proceed with further examination of this application on the basis of the attached copy of the papers originally filed.

REQUEST FOR WITHDRAWAL OF ABANDONMENT

Acknowledgement of the active status of this application is respectfully requested. It is believed that no further fee is required relating to the filing of this Response. If this is not the case, the Patent Office is hereby authorized to charge any related fee to Deposit Account No. 03-0172.

Reg. No. 47,401

Tel. No. 216-622-8527

Cust. No.



24024

PATENT TRADEMARK OFFICE

James A. Balazs

800 Superior Ave. Suite 1400

Cleveland, Ohio 44114



UNITED STATES PATENT AND TRADEMARK OFFICE

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**PATENT APPLICATION INFORMATION RETRIEVAL****PAIR****FAQ****Help****Feedback****Other Links**[e-Business Center Patents](#)[Employee Locator](#)[Class/Subclass GAU Information](#)[Information Contacts](#)**Search results for application number: 09/752,136**

Application Number:	09/752,136	Customer Number:	24024
Filing or 371(c) Date:	12-27-2000	Status:	Abandoned – Failure to Respond to an Office Action
Application Type:	Utility	Status Date:	06-30-2003
Examiner Name:	CHARLES MARCUS	Location:	TC 3600 PARALEGAL, PK5-8A03, 703-605-4328
Group Art Unit:	3682	Location Date:	10-03-2003
Confirmation Number:	5439	Earliest Publication No.:	US 2001-0049312 A1
Attorney Docket Number:	12052-04000	Earliest Publication Date:	12-06-2001
Class/ Sub-Class:	474/018	Patent Number:	-
First Named Inventor:	Steven Warner, Kent, OH	Issue Date of Patent:	-
Title Of Invention:	Variable speed drive system		

Foreign Priority**Continuity Data****File Contents History**

Number	Date	Contents Description
19	07-14-2003	Petition Entered
18	06-30-2003	Mail Abandonment for Failure to Respond to Office Action
17	06-30-2003	Abandonment for Failure to Respond to Office Action
16	09-25-2002	Mail Non-Final Rejection
15	09-23-2002	Non-Final Rejection
14	07-17-2002	Date Forwarded to Examiner
13	07-11-2002	Response to Election / Restriction Filed
12	06-04-2002	Mail Restriction Requirement
11	06-03-2002	Requirement for Restriction / Election
10	06-15-2001	Information Disclosure Statement (IDS) Filed
9	03-18-2002	Information Disclosure Statement (IDS) Filed
8	06-15-2001	Information Disclosure Statement (IDS) Filed
7	06-18-2001	Case Docketed to Examiner in GAU
6	06-07-2001	Application Dispatched from OIPE
5	02-09-2001	Application Is Now Complete
4	02-09-2001	Incomplete Application under Rule 53(b) - Filing Date Assigned
3	02-09-2001	Correspondence Address Change
2	01-16-2001	IFW Scan & PACR Auto Security Review
1	12-27-2000	Initial Exam Team nn



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 CLEVELAND OH 44114

OCT 17 2003.

DIRECTOR'S OFFICE
 TECHNOLOGY CENTER 3600
 Paper No 13

In re Application of
 Steve E. Warner et al.
 Application No. 09/752,136
 Filed: December 27, 2000
 For: VARIABLE SPEED DRIVE SYSTEM

DECISION ON PETITION
 TO WITHDRAW THE
 HOLDING OF ABANDONMENT

120524000
 This is in reply to applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office on July 14, 2003.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely respond to the Office action dated September 25, 2002.

Any petition to withdraw the holding of abandonment based upon a Certificate of Mailing must include the following requirements:

- (1) A copy of a response bearing a signed Certificate of Mailing which includes the date of signing; and
- (2) A statement attesting to the personal knowledge of transmitting the response on the date indicated on the Certificate of Mailing(see 37 CFR 1.8 and MPEP 512).

In response to a Notice of Abandonment dated June 30, 2003, the applicant submitted the instant petition. Applicant's petition indicates that on December 26, 2002 applicant mailed a response to the Office and provides a copy of the submission showing a Certificate of Mailing dated December 26, 2002 which would be a timely filed response given the holiday on December 25, 2002.

However, a statement attesting to the personal knowledge of transmitting the response on the date indicated on the certificate, by the person who signed the certificate is required. See 37 CFR 1.8(b)(3).

Applicant also provides with the petition a postcard showing a receipt date of December 31, 2002 however this is not a timely showing in response to the Office Action mailed September 25, 2002.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."

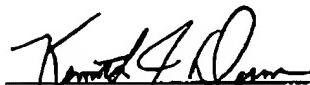
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OCT 20 2003

T.L.B. IP. Dept. DBC IP. DEPT.

Telephone inquiries relative to this decision should be directed to Special Programs
Examiner Ken Dorner at (703) 308-0866



Kenneth J. Dorner
Special Programs Examiner
Technology Center 3600
(703) 308-0866

KJD/ekn 10/10/03

Case Number	Ctry	Sub Case	Action Due	Due Date
1205204000	US		REQ RECONSIDERATION	17-Dec-2003

Action REQ
Type: RECONSIDERATIO
N

Verified _____

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Warner et al.

) Examiner: Marcus Charles

)

) Art Unit: 3682

Serial No.: 09/752,136

)

)

Filed: December 27, 2000

)

)

For: **VARIABLE SPEED DRIVE
SYSTEM**

) Attorney Docket: 12052/04000

)

FAX RECEIVED**OCT 31 2003****Verified Statement of Jacqueline K. Boziak****PETITIONS OFFICE**

1. I, Jacqueline K. Boziak, am employed as a secretary at Calfee, Halter & Griswold LLP, and submit this verified statement based upon my personal knowledge.
2. On December 26, 2002, I executed the Certificate of Mailing for the Response and Amendment in connection with the above-mentioned trademark application and mailed the Response and Amendment to the Commissioner of Patents after ensuring that the Response and Amendment had the proper address. Furthermore, I attest that the Response and Amendment included a certificate of mailing properly executed under 37 C.F.R. § 1.8 and that a return postcard was included along with the Response and Amendment.
3. Furthermore, I hereby declare that all statements made hereon of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the patent application identified above, or any patent issuing therefrom.

Date: 10/31/03
Jacqueline K. Boziak

**CALFEE, HALTER & GRISWOLD LLP**

October 31, 2003

TO: Office of Petitions**CONFIRMATION****FAX NUMBER:** 703-308-6916**PHONE NUMBER:****SEND ONLY TO THE ABOVE FAX NUMBER:****FROM:** James A. Balazs**DIRECT DIAL PHONE NUMBER:** 216-622-8527**CLIENT NO.:** 12052/04000**CLIENT NAME:** Speed Selector, Inc**NUMBER OF PAGES (including this page):** 27**MESSAGE:****CERTIFICATE OF FACSIMILE TRANSMITTAL**

I hereby certify that this document is being transmitted
via Facsimile to the Commissioner for Patents,
Fax No. (703) 308-6916, on this 31st day
of October, 2003.

Signed: Joyce Ford**FAX RECEIVED****OCT 31 2003****PETITIONS OFFICE**HF1500.DOC-1

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